

The question being on the adoption of the report, Mr. Guinn moved to take up the amendments separately.

Mr. Potter moved to lay the report on the table. Carried.

Mr. Pitts offered the following resolution :

Resolved, By the Senate, the House concurring, that the two Houses will go into the election of an United States Senator on to-day at 12 o'clock, to fill the vacancy occasioned by the death of J. P. Henderson.

Mr. Hart moved to amend the resolution by striking out "to-day at 12 o'clock" and inserting Monday the 21st inst. at 12 o'clock. Carried.

Mr. Rainey moved to strike out Monday and insert 3 o'clock this evening.

Mr. Erath moved a call of the Senate. Carried.

On motion of Mr. Throckmorton, the call was suspended.

Mr. Rainey withdrew his motion to amend.

Mr. Britton moved that the Senate take a recess of ten minutes. Carried.

The recess having expired, the Senate was called to order.

Mr. Hart moved to lay the resolution on the table. Carried.

Mr. Gentry offered the following resolution :

WHEREAS, since the adjournment of the last Legislature, the Hon. Benjamin F. Tankersley, Senator from Harris county, has been removed from among us by the hand of death, therefore,

Resolved, That in the sense of this body, the State has lost a zealous, practical and patriotic legislator ; his constituents an able and energetic advocate of their interests ; his social friends a generous true-hearted and estimable companion.

Resolved, That we deeply sympathize with his family in their bereavement, and offer them our sincere condolence.

Resolved, That a copy of these resolutions be forwarded to his family, and a copy to each of the newspapers printed in the city of Houston for publication.

Resolved, That the Senate adjourn until to-morrow morning at 10 o'clock. Adopted ; and Senate adjourned till 10 o'clock to-morrow.

WEDNESDAY, November 16th, 1859.

Senate met pursuant to adjournment. Prayer by Rev. W. M. Baker—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Guinn, chairman of the committee on Claims and Accounts made the following report :

The committee on Claims and Accounts, to whom was referred the "Petition of sundry citizens of Hopkins County, asking relief for the widow and children of Wm. H. Poff, deceased, and others, have had the same under consideration, and a majority of the committee have instructed me to report it back, and recommend that the relief be not granted. The petitioners pray for the sum of \$800,00, for services due the Sheriff of Hopkins County for arresting two persons, charged with murder, by virtue of capias, issued by the District Clerk of Orange County. The prisoners mentioned in the petition were not brought to trial. The petitioners allege that they traveled about 900 miles in going to and from the county where they carried the prisoners. In such cases the law does not pay the Sheriff anything for his services, unless the parties are brought to trial, and the certificate of the District Judge before whom they were tried, must show that fact before the Department will pay the claim. It is true that in this case the Sheriff of Hopkins County did all that was required of him, he delivered the prisoners up to the Sheriff of Orange County, but the committee think it would be bad policy to depart from the law in this or any other case of like kind, believing that under the present law, that when Sheriffs do their whole duty, their compensation is ample, and that to relieve in one case, they must be consistent and relieve in all similar ones, and that when Sheriffs fail and refuse to perform their functions of office, they are not entitled to any favorable consideration, and from what few facts we have been able to see, in this case, we have come to the conclusion that it was not in fault of the officer of Hopkins county, that the criminals mentioned in the petition were not tried, but the fault is in the officers of Orange county, and that county ought to remunerate the officers of Hopkins county and not the State, from the fact that they have failed to comply with the requirements of the law of the State.

All of which is respectfully submitted.

Mr. Fall, chairman of the committee on Engrossed Bills, reported "A bill for the relief of James Jennings." Correctly engrossed.

Mr. Potter, chairman of the Judiciary Committee, made the following reports :

The Committee on the Judiciary, herewith return to the Senate a bill to be entitled "an act to amend the 2nd section of an act to regulate common schools"—approved February 5th, 1858, and recommend that the same be referred to the committee on

Education, that being the appropriate committee to consider the bill.

The committee on the Judiciary have considered the petition of Casper Earnest Vogt, praying that his name may be changed, and direct me to report that no Legislative action is necessary in order to effect the object sought by the petitioner, as he can procure the proposed change of name by applying to the District Court, of the county in which he resides, in the manner provided by the Act of February 5th, 1856. This act provides a convenient mode for furnishing new names, for parties who are tired of their old ones, and rendered unnecessary any further Legislation on such subjects. I am therefore directed to return the petition to the Senate, and recommend that it be rejected.

The committee on the Judiciary have considered "A bill." to authorize Joseph B. Edmonson, guardian of Alpha W. Edmonson, to purchase a farm for said Alpha W. Edmunson minor, and direct me to report that in the opinion of the committee, the proposed Legislation is inexpedient and unsafe, and in addition to this the Legislature has not time, and is not the proper tribunal to decide upon the propriety of the mode of conducting each separate estate. We have general laws regulating the administration of estates and the duties of guardians, and any departure from the mode of administration provided by these laws, should be by their alteration or amendment so as to apply to all cases. I am therefore directed to return the bill to the Senate and recommend that it do not pass.

Mr. Walker, chairman of the committee on Public Lands, made the following reports :

The committee on Public Lands, to whom was referred a bill supplementary to and amendatory of an act entitled "an act" to provide relief for pre-emption settlers and their assigns, under the act of 22nd January, 1845, the act of the 7th day of February 1853, and of the 13th February 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation, have instructed me to present the accompanying bill, as a substitute for the original bill and recommend its passage.

A bill supplementary to and amendatory of an act entitled "an act to provide relief for pre-emption settlers and their assignees, under the acts of 22nd January, 1845, the act of the 7th of February 1853, and 13th of February, 1854, and actual settlers in the Mississippi and Pacific Railroad Reservation." Read 1st time.

The committee on Public Lands have considered a bill to be entitled an act validating certain surveys in Fisher's, Miller's

and Peter's Colony, have considered the same, and instructed me to return the same and recommend its passage.

Mr. Lott introduced a bill for the relief of Joel Williams. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Schleicher, introduced a bill to repeal the usury laws. Read 1st and 2nd time, and referred to the committee on the Judiciary.

Mr. Grimes introduced a bill to create the county of "Groce." Read 1st and 2nd time and referred to the committee on Counties and County Boundaries.

Messrs. Martin, Pitts, Britton, Quinan and Erath, were appointed a committee on Stock and Stock raising.

Mr. Martin introduced a bill supplementary and amendatory of "an act regulating estrays" approved March 20th, 1848. Read 1st and 2nd time and referred to committee on Stock and Stock raising.

Mr. Throckmorton offered the following resolution :

Resolved, That the committee on the Court of Claims be instructed to report a bill at the earliest practicable moment, to provide for the approval of genuine certificates, not presented to the Commissioner of Claims in time, and also to provide for the issuance of duplicate certificates not applied for in time, and to make such provision for the issuance of unlocated balance certificates as may be necessary. Adopted.

Mr. Erath, offered the following resolution :

Resolved, That the Secretary of the Senate, procure a map of the State for the use of the Senate and the committees thereof. Adopted.

ORDERS OF THE DAY.

A bill for the relief of James Jennings. Read 3rd time and passed.

A message was received from the Governor, informing the Senate that he had received information from Brev. Maj Gen'l. D. E. Twiggs, that certain troops had been ordered to the scenes of difficulty on the Rio Grande.

A message was received from the House, that the House had passed a Joint Resolution, authorizing the Governor to call out volunteers to repel the invasion on our western frontier, and that the House had adopted the following resolutions :

Resolved, That the Senate concurring, the Governor be authorized to appoint some suitable person to take charge of the State Library, during the session of the Legislature, and that all members of either House, shall at all times have access to said

Library, and may send the Sergeant-at-arms for any book to be used in debate—but for no other purpose. As soon as said book has been so used, it shall be immediately returned to the Library by the Sergeant-at-arms.

Resolved, That the House of Representatives, with the concurrence of the Senate, proceed to the election of a U. S. Senator to fill the vacancy occasioned by the death of the Hon. J. P. Henderson, on Friday next, at 11 o'clock A. M.

Resolved, The Senate concurring, that a joint select committee consisting of five on the part of the House, and five on the part of the Senate, be appointed for the purpose of enquiring into the expediency of calling a convention to frame a new constitution, and report by bill or otherwise. Upon which resolution the House had appointed Messrs. Davis of Hays, Dale, Robinson, Pirkey and Dickson a committee.

Resolved, That if the Senate concur, there be a joint committee of seven, four from the House and three from the Senate, appointed to fully investigate the present Probate Law, and take such course in altering, amending, revising or abridging the same as they may think best calculated to promote the interests of such persons as it was originally intended to benefit, and to report the same back to the House as soon as practicable. Upon which resolution, Messrs. Armstrong, Culberson, Speights and Anderson, were the committee on the part of the House.

On motion of Mr. Britton, the joint resolution authorizing the Governor to call out volunteers to repel the invasion on our western frontier, was taken up and read 1st time.

Mr. Britton moved a suspension of the rule—carried—read 2nd time.

Mr. Potter offered the following amendment:

“In line five after “and” insert “in case the Governor should deem it necessary to call out volunteers under the provisions of this joint resolution then.” Adopted.

Mr. Stockdale offered the following amendment:

“That this joint resolution take effect and be in force from and after its passage.” Adopted.

Mr. Sims offered the following substitute:

Be it Resolved by the Legislature of the State of Texas, That the Legislature adjourn on the 17th inst., and that each member of the same, as well as the officers thereof, be requested to furnish himself with a good horse, arms and ammunition, and repair to the City of Brownsville as soon as possible, and show his patriotism and valor by defending the soil of our State from in-

vason ; and that this resolution take effect from and after its passage."

Mr. Britton moved to lay the substitute on the table. Lost.

The question on its adoption was then put and lost.

Mr. Stockdale offered the following amendment :

Insert after "citizens" in 5th line the words "of Texas."

Adopted.

The joint resolution was then passed to a 3rd reading.

And on motion of Mr. Britton, the rule was suspended, the joint resolution was read a 3rd time and passed.

The report of the committee on Public Printing on a resolution to contract for 20 copies each of the Gazette and Intelligencer weekly for each member of the Senate, was read.

Mr. Hart, moved to strike out "20" and insert "10."

Mr. Grimes moved to lay the resolution on the table, which motion was carried by the following vote :

YEAS—Messrs. Chambers, Erath, Grimes, Harman, Herbert, Hyde, Potter, Quinan, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Wallace and Wigfall—15.

NAYS—Messrs. Fall, Gentry, Guinn, Hart, Lott, Martin, Parsons, Paschal, Pitts, Rainey, Sims, Walker and Whaley—13.

On motion of Mr. Rainey, the Senate adjourned until 10 o'clock A. M. to-morrow.

THURSDAY, November 17th, 1859.

Senate met pursuant to adjournment. Prayer by the Rev. Wm. M. Baker—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Whaley presented the petition of sundry citizens of Leon County for land. Referred to the committee on Private Land Claims.

Mr. Whaley presented the petition of James McKeley for relief. Referred to the committee on Private Land Claims.

Mr. Herbert presented the petition of sundry citizens of Colorado County. Referred to committee on Education.

Mr. Fall presented the petition of John Berry for relief. Referred to committee on Private Land Claims.

Mr. Townes presented the petition of Asa B. Johnson. Referred to the committee on the Judiciary.

Mr. Martin presented the petition of John Murphy. Referred to the committee on Claims and Accounts.